

REMARKS

The Office Action of January 15, 2003, has been received and reviewed. Claims 1, 4-6, 8-12, 15-17, 19, 21-23, 47 and 71-86 are pending and stand rejected. Claims 10, 19, 47, 73, 76, 77, 79, 80 and 82-85 have been withdrawn from consideration. Claims 6, 16-17, 22, 71, 81 and 86 are to be canceled. The specification and claims are to be amended as set forth herein. All amendments and claim cancellations are made without prejudice or disclaimer. Reconsideration is respectfully requested.

Interview

Applicants would like to thank the Examiner for the courtesy extended to the applicants' representatives at the interview of June 23, 2003. The interview was very informative. As agreed at the interview, the proposed claim amendments discussed at the interview are to be entered herein and the application should be in condition for allowance.

Objections to the Specification

The specification was objected to for not reciting the priority claim in the first line of the specification, for assertedly failing to comply with the suggested arrangement of the specification and for failing to include an abstract on a separate sheet.

A cross reference to related applications section and an abstract on a separate sheet have been added to the specification as set forth herein. With regard to the arrangement of the application, applicants will address the issue once a notice of allowance is granted. Withdrawal of the objections to the specification are requested.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 1, 4-6, 8, 9, 11, 12, 15-17, 21-23, 71, 72, 74, 75, 78, 81 and 86

Claims 1, 4-6, 8, 9, 11, 12, 15-17, 21-23, 71, 72, 74, 75, 78, 81 and 86 were rejected under 35 U.S.C. § 112, first paragraph, as assertedly lacking enablement as set forth in the previous office action. Applicants respectfully traverse the rejections, at least partially, in view of the amendments to the claims.

Specifically, it was thought that the breadth of the claims was excessive regarding the claimed peptides comprising 5-30 residues of SEQ ID NO: 11 or 5-20 residues of SEQ ID NO: 5. It was asserted that the claimed peptides allow for hundreds of peptides to be encompassed by the

claims and that the applicants have not provided any guidance or working examples of peptides of 5-30 residues, other than SEQ ID NO: 5 and 11, which are IL-6 antagonists.

Although applicants do not agree with the rejection, to expedite prosecution of the application, independent claim 1 and the claims dependent thereon have been amended. Claim 1 has been amended to recite that the peptide comprises at least one string of 12 consecutive amino acids of SEQ ID NO:1. Independent claim 1 has been further amended to define the claimed peptides functionally, *i.e.*, “wherein said isolated, recombinant or purified peptide has IL-6 antagonistic activity as determined by a bioassay for determining IL-6 antagonistic activity.” As discussed at the interview, the application describes a Pepscan analysis of all twelve-mers (see, e.g., FIG. 3 and pages 14-16 of the Specification). The claims thus properly define the claimed peptides both functionally and structurally. Accordingly, reconsideration and withdrawal of the enablement rejections are requested.

Claims 15-17, 22, 23, 74, 78, 81 and 86

Claims 15-17, 22, 23, 74, 78, 81 and 86 stand rejected under 35 U.S.C. § 112, first paragraph, as assertedly lacking enablement. It was thought that the specification does not reasonably provide enablement for pharmaceutical compositions comprising IL-6 antagonists, methods of using IL-6 antagonists in vivo, or methods for manufacturing medicaments. At least partially in view of the amendments to the claims, applicants respectfully traverse the rejections.

Although the applicants do not agree that the claims are not enabled, in accordance with the suggestion of the examiner, the phrase “pharmaceutical preparation” has been changed to “preparation” and claims 15 and 78 have been amended to include an inert carrier. Accordingly, the claims should be enabled.

With regard to claims 16, 17, 81 and 86, the claims have been canceled thus mooted the rejections.

Reconsideration and withdrawal of the enablement rejections of the remaining claims is thus requested.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 16, 17, 21, 74, 81 and 86 stand rejected under 35 U.S.C. § 112, second paragraph, as assertedly being incomplete for omitting essential steps resulting in a gap between the steps.

Applicants respectfully traverse the rejections, at least partially, in view of the amendments to the claims.

With respect to claims 16, 17, 81 and 86, these claims are to be canceled thus obviating the need to respond to the rejections.

With respect to the remaining claims, applicants have added steps to the claims to more clearly elucidate the method steps.

Accordingly, reconsideration and withdrawal of the rejections of claims 21 and 74 are requested.

Conclusion

In view of the foregoing amendments and remarks, applicants respectfully submit that the claims define patentable subject matter. If any questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



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